

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MILLBRAE TEST ONLY SMOG CENTER
SHAHIN NAZARIAN, Owner
110 El Camino Real
Millbrae, CA 94030-2606

Automotive Repair Dealer Registration
No. ARD 255465
Smog Check, Test Only, Station License
No. TC 255465

SHAHIN NAZARIAN
120 Moore Court
San Bruno, CA 94066

Advanced Emission Specialist Technician
License No. EA 152011

Respondents.

MILLBRAE AUTO REPAIR
SHAHIN NAZARIAN, Owner
120 El Camino Real
Millbrae, CA 94030-2606

Automotive Repair Dealer Registration
No. ARD 257463

Affiliated Registration.

Case No. 79/11-63

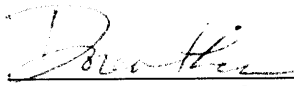
OAH No. 2011060190

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective 12/19/11.

DATED: November 15, 2011



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSILOU
Deputy Attorney General
4 State Bar No. 196360
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2199
Facsimile: (510) 622-2270
7 E-mail: Aspasia.Papavassiliou@doj.ca.gov
Attorneys for Complainant

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/11-63

13 **MILLBRAE TEST ONLY SMOG CENTER**
110 El Camino Real
14 Millbrae, CA 94030-2606
SHAHIN NAZARIAN, OWNER
15 **Automotive Repair Dealer Registration**
No. ARD 255465
16 **Smog Check Test Only Station License**
No. TC 255465

OAH No. 2011060190

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 **SHAHIN NAZARIAN**
120 Moore Court
19 San Bruno, CA 94066
Advanced Emission Specialist Technician License
20 No. EA 152011

21 Respondents

22 **MILLBRAE AUTO REPAIR**
120 El Camino Real
23 Millbrae, CA 94030-2606
SHAHIN NAZARIAN, OWNER
24 **Automotive Repair Dealer Registration**
No. ARD 257463

25
26 Affiliated Registration

27 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
28 entitled proceedings that the following matters are true:

PARTIES

1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Aspasia A. Papavassiliou, Deputy Attorney General.

2. Shahin Nazarian (Respondent), individually and as owner of Millbrae Test Only Smog Center and Millbrae Auto Repair, is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about July 9, 2008, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration No. ARD 255465 to Respondent as owner of Millbrae Test Only Smog Center. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/11-63 and will expire on June 30, 2012, unless renewed.

4. On or about August 15, 2008, the Bureau of Automotive Repair issued Smog Check Test Only Station License No. TC 255465 to Respondent as owner of Millbrae Test Only Smog Center. The Smog Check Test Only Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/11-63 and will expire on June 30, 2012, unless renewed.

5. In 2005, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician License No. EA 152011 to Respondent. The Advanced Emission Specialist Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/11-63 and will expire on March 31, 2013, unless renewed.

6. On or about March 5, 2009, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration No. ARD 257463 to Respondent as owner of Millbrae Auto Repair. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/11-63 and will expire on February 29, 2012, unless renewed.

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1 basis for the charges in the Accusation, and that Respondent gives up his right to contest those
2 charges.

3 13. Respondent agrees that his Automotive Repair Dealer Registrations, Smog Check
4 Test Only Station License, and Advanced Emission Specialist Technician License are subject to
5 discipline and he agrees to be bound by the Director's probationary terms as set forth in the
6 Disciplinary Order below.

7 CIRCUMSTANCES IN MITIGATION

8 14. Respondent has never been the subject of any disciplinary action. He is admitting
9 responsibility at an early stage in the proceedings.

10 RESERVATION

11 15. The admissions made by Respondent in this stipulation are only for the purposes of
12 this proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of
13 Automotive Repair, or other professional licensing agency is involved, and shall not be
14 admissible in any other criminal or civil proceeding.

15 CONTINGENCY

16 16. This stipulation shall be subject to approval by the Director of Consumer Affairs or
17 his designee. Respondent understands and agrees that counsel for Complainant and the staff of
18 the Bureau of Automotive Repair may communicate directly with the Director and staff of the
19 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
20 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
21 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director
22 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and
23 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
24 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director
25 shall not be disqualified from further action by having considered this matter.

26 17. The parties understand and agree that facsimile copies of this Stipulated Settlement
27 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
28 effect as the originals.

18. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

19. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS ORDERED that the following registrations are invalidated:

Automotive Repair Dealer Registration No. ARD 255465, issued to Shahin Nazarian (Respondent) as owner of Millbrae Test Only Smog Center; and

Autotmotive Repair Dealer Registration No. ARD 257463, issued to Shahin Nazarian
(Respondent) as owner of Millbrae Auto Repair.

IT IS FURTHER ORDERED that the following licenses are revoked:

Smog Check Test Only Station License No. TC 255465, issued to Shahin Nazarian
(Respondent) as Owner of Millbrae Test Only Smog Center; and

Advanced Emission Specialist Technician License No. EA 152011, issued to Shahin Nazarian (Respondent).

FINALLY IT IS ORDERED that the above invalidations and revocations are stayed and that Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 255465 and Smog Check Test Only Station License No. TC 255465, issued to Respondent as owner of Millbrae Test Only Smog Center, are suspended for ten (10) consecutive days beginning on the effective date of the decision. In addition, Advanced Emission Specialist Technician License No. EA 152011, issued to Respondent, is suspended for sixty (60) consecutive days beginning on the effective date of the decision. (Automotive Repair Dealer Registration No. ARD 257463, issued

1 to Respondent as owner of Millbrae Auto Repair, is not suspended.)

2 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
3 automotive inspections, estimates and repairs.

4 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning
5 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be
6 conspicuously displayed in a location open to and frequented by customers and shall remain
7 posted during the entire period of actual suspension.

8 4. **Reporting.** Respondent or Respondent's authorized representative must report in
9 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
10 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
11 maintaining compliance with the terms and conditions of probation.

12 5. **Report Financial Interest.** Within 30 days of the effective date of this action, report
13 any financial interest which any partners, officers, or owners of the Respondent facility may have
14 in any other business required to be registered pursuant to Section 9884.6 of the Business and
15 Professions Code.

16 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
17 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

18 7. **Jurisdiction.** If an accusation is filed against Respondent during the term of
19 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
20 until the final decision on the accusation, and the period of probation shall be extended until such
21 decision.

22 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that
23 Respondent has failed to comply with the terms and conditions of probation, the Department may,
24 after giving notice and opportunity to be heard, temporarily or permanently invalidate the
25 registration(s) and suspend or revoke the license(s).

26 9. **Continuing Education Course.** Respondent shall complete a "BAR Advanced
27 Clean Air Car Course" and submit proof of completion to the Bureau within six (6) months from
28 the effective date of the decision and order. If proof of completion of the course is not furnished

1 to the Bureau within the six-month period, Respondent's Advanced Emission Specialist
2 Technician License shall be immediately suspended until such proof is received.

3 10. **Restrictions.** During the period of probation, Millbrae Test Only Smog Center shall
4 not perform any form of smog inspection, or emission system diagnosis or repair, until
5 Respondent has purchased, installed, and maintained the diagnostic and repair equipment
6 prescribed by BAR necessary to properly perform such work, and BAR has been given 10 days
7 notice of the availability of the equipment for inspection by a BAR representative.

8 11. **Cost Recovery.** Respondent's payment of cost recovery in the amount of \$5,000
9 shall be received by the Bureau no later than six (6) months before Respondent's probation
10 terminates. Respondent shall pay the cost recovery in equal monthly installments beginning on
11 the first day of each month following the effective date of the Director's decision and order.
12 Failure to comply with the payment schedule shall constitute a violation of probation which may
13 subject Respondent's registrations to outright invalidation and his licenses to outright revocation;
14 however, the Director or the Director's Bureau designee may elect to continue probation until
15 such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

16 ACCEPTANCE

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Automotive Repair Dealer Registrations, Smog
19 Check Test Only Station License, and Advanced Emission Specialist Technician License. I enter
20 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
21 and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

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23 DATED: 10/16/11

24 Shahin Nazarian
SHAHIN NAZARIAN
Respondent

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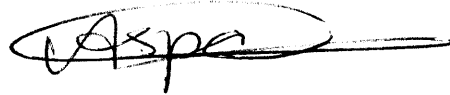
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: *October 17, 2011*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



ASPASIA A. PAPA VASSILIOU
Deputy Attorney General
Attorneys for Complainant

SF2010201519

Exhibit A

Accusation No. 79/11-63

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSIOU
Deputy Attorney General
4 State Bar No. 196360
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2199
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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14 **SHAHIN NAZARIAN, OWNER**
Automotive Repair Dealer Registration
15 **No. ARD 255465**
Smog Check Test Only Station License No. TC 255465
16

A C C U S A T I O N
S M O G C H E C K

17 **SHAHIN NAZARIAN**
120 Moore Court
18 **San Bruno, CA 94066**
Advanced Emission Specialist Technician License
19 **No. EA 152011**

20 Respondents.

21
22 Complainant alleges:

23 **PARTIES**

24 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as
25 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

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1 **Automotive Repair Dealer Registration**

2 2. On or about July 9, 2008, the Bureau issued Automotive Repair Dealer License
3 Number ARD 255465 ("registration") to Shahin Nazarian doing business as Millbrae Test Only
4 Smog Center ("Respondent Millbrae"). The registration will expire on June 30, 2011, unless
5 renewed.

6 **Smog Check Test Only Station License**

7 3. On or about August 15, 2008, the Bureau issued Smog Check Test Only Station
8 License Number TC 255465 ("station license") to Respondent Millbrae. The station license will
9 expire on June 30, 2011, unless renewed.

10 **Advanced Emission Specialist Technician License**

11 4. On a date uncertain in 2005, the Bureau issued Advanced Emission Specialist
12 Technician License Number EA 152011 ("technician license") to Shahin Nazarian ("Respondent
13 Nazarian"). The technician license was in full force and effect at all times relevant to the charges
14 brought herein and will expire on March 31, 2013, unless renewed.

15 **STATUTORY PROVISIONS**

16 5. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
17 part:

18 (a) The director, where the automotive repair dealer cannot show there
19 was a bona fide error, may deny, suspend, revoke, or place on probation the
20 registration of an automotive repair dealer for any of the following acts or omissions
21 related to the conduct of the business of the automotive repair dealer, which are done
22 by the automotive repair dealer or any automotive technician, employee, partner,
23 officer, or member of the automotive repair dealer.

24 (1) Making or authorizing in any manner or by any means whatever any
25 statement written or oral which is untrue or misleading, and which is known, or which
26 by the exercise of reasonable care should be known, to be untrue or misleading.

27 (3) Failing or refusing to give to a customer a copy of any document
28 requiring his or her signature, as soon as the customer signs the document.

 (4) Any other conduct that constitutes fraud.

 (6) Failure in any material respect to comply with the provisions of this
chapter or regulations adopted pursuant to it.

 (b) Except as provided for in subdivision (c), if an automotive repair
dealer operates more than one place of business in this state, the director pursuant to

1 subdivision (a) shall only suspend, revoke, or place on probation the registration of
2 the specific place of business which has violated any of the provisions of this chapter.
This violation, or action by the director, shall not affect in any manner the right of the
3 automotive repair dealer to operate his or her other places of business.

4 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or
5 place on probation the registration for all places of business operated in this state by
an automotive repair dealer upon a finding that the automotive repair dealer has, or is,
engaged in a course of repeated and willful violations of this chapter, or regulations
adopted pursuant to it.

6 6. Code section 9884.9, subdivision (a), states:

7 (a) The automotive repair dealer shall give to the customer a written
8 estimated price for labor and parts necessary for a specific job. No work shall be done
9 and no charges shall accrue before authorization to proceed is obtained from the
10 customer. No charge shall be made for work done or parts supplied in excess of the
11 estimated price without the oral or written consent of the customer that shall be
12 obtained at some time after it is determined that the estimated price is insufficient and
13 before the work not estimated is done or the parts not estimated are supplied. Written
14 consent or authorization for an increase in the original estimated price may be
15 provided by electronic mail or facsimile transmission from the customer. The bureau
may specify in regulation the procedures to be followed by an automotive repair
dealer if an authorization or consent for an increase in the original estimated price is
provided by electronic mail or facsimile transmission. If that consent is oral, the
dealer shall make a notation on the work order of the date, time, name of person
authorizing the additional repairs and telephone number called, if any, together with a
specification of the additional parts and labor and the total additional cost, and shall
do either of the following:

16 (1) Make a notation on the invoice of the same facts set forth in the
notation on the work order.

17 (2) Upon completion of the repairs, obtain the customer's signature or
18 initials to an acknowledgment of notice and consent, if there is an oral consent of the
customer to additional repairs, in the following language:

19 "I acknowledge notice and oral approval of an increase in the original
20 estimated price.

21 _____
22 (signature or initials)"

23 Nothing in this section shall be construed as requiring an automotive
24 repair dealer to give a written estimated price if the dealer does not agree to perform
the requested repair.

25 7. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
26 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
27 proceeding against an automotive repair dealer or to render a decision invalidating a registration
28 temporarily or permanently.

1 8. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
2 "commission," "committee," "department," "division," "examining committee," "program," and
3 "agency." "License" includes certificate, registration or other means to engage in a business or
4 profession regulated by the Code.

5 9. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
6 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
7 the Motor Vehicle Inspection Program.

8 10. Section 44072.2 of the Health and Safety Code states, in pertinent part:

9 The director may suspend, revoke, or take other disciplinary action
10 against a license as provided in this article if the licensee, or any partner, officer, or
11 director thereof, does any of the following:

12 (a) Violates any section of this chapter [the Motor Vehicle Inspection
13 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted
14 pursuant to it, which related to the licensed activities.

15 (c) Violates any of the regulations adopted by the director pursuant to
16 this chapter.

17 (d) Commits any act involving dishonesty, fraud, or deceit whereby
18 another is injured.

19 11. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
20 expiration or suspension of a license by operation of law, or by order or decision of the Director
21 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
22 the Director of jurisdiction to proceed with disciplinary action.

23 12. Section 44072.8 of the Health and Safety Code states:

24 When a license has been revoked or suspended following a hearing under
25 this article, any additional license issued under this chapter in the name of the
26 licensee may be likewise revoked or suspended by the director.

27 COST RECOVERY

28 13. Code section 125.3 provides, in pertinent part, that a Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

1 without performing a bona fide inspection of the emission control devices and systems on that
2 vehicle, thereby depriving the People of the State of California of the protection afforded by the
3 Motor Vehicle Inspection Program.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Failure to Provide a Written Estimate)**

6 18. Respondent has subjected his registration to discipline under Code section 9884.7,
7 subdivision (a)(6), in that on or about February 1, 2010, he failed to comply with section 9884.9,
8 subdivision (a) by failing to provide the operator with a written estimated price for parts and labor
9 for a specific job.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Violation of the Motor Vehicle Inspection Program)**

12 19. Respondent has subjected his station license to discipline under Health and Safety
13 Code section 44072.2, subdivision (a), in that on or about February 1, 2010, regarding the 1993
14 Lexus SC300, he violated sections of that Code, as follows:

15 a. **Section 44012, subdivision (a):** Respondent failed to determine that all emission
16 control devices and systems required by law were installed and functioning correctly in
17 accordance with test procedures.

18 b. **Section 44012, subdivision (f):** Respondent failed to perform emission control tests
19 on that vehicle in accordance with procedures prescribed by the department.

20 c. **Section 44015, subdivision (b):** Respondent issued electronic Certificate of
21 Compliance No. WH074212C without properly testing and inspecting the vehicle to determine if
22 it was in compliance with section 44012 of that Code.

23 d. **Section 44059:** Respondent willfully made false entries for the electronic Certificate
24 of Compliance No. WH074212C, certifying that the vehicle had been inspected as required when,
25 in fact, it had not.

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1 a. **Section 44012, subdivision (a):** Respondent failed to determine that all emission
2 control devices and systems required by law were installed and functioning correctly in
3 accordance with test procedures.

4 b. **Section 44012, subdivision (f):** Respondent failed to perform emission control tests
5 on that vehicle in accordance with procedures prescribed by the department.

6 c. **Section 44032:** Respondent failed to perform tests of the emission control devices
7 and systems on that vehicle in accordance with section 44012 of that Code.

8 d. **Section 44059:** Respondent willfully made false entries for electronic Certificate of
9 Compliance No. WH074212C, certifying that the vehicle had been inspected as required when, in
10 fact, it had not.

11 **NINTH CAUSE FOR DISCIPLINE**

12 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

13 23. Respondent has subjected his technician license to discipline under Health and Safety
14 Code section 44072.2, subdivision (c), in that on or about February 1, 2010, regarding the 1993
15 Lexus SC300, he violated sections of the California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
17 electronic Certificate of Compliance No. WH074212C without performing a bona fide inspection
18 of the emission control devices and systems on that vehicle as required by Health and Safety
19 Code section 44012.

20 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test that vehicle
21 in accordance with Health and Safety Code section 44012.

22 c. **Section 3340.41, subdivision (c):** Respondent entered false information into the
23 Emission Inspection System ("EIS") for electronic Certificate of Compliance No. WH074212C
24 by entering "Pass" for the ignition timing when, in fact, the vehicle's ignition timing was adjusted
25 beyond the manufacturer's specifications.

26 d. **Section 3340.42:** Respondent failed to conduct the required smog tests and
27 inspections on that vehicle in accordance with the Bureau's specifications.

1 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
2 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a
3 missing evaporative emission control system canister. The Bureau assessed a civil penalty of
4 \$2,000. Respondent complied with this citation on November 30, 2009.

5 d. On December 1, 2008, the Bureau issued Citation No. M09-0670 to Respondent
6 against his technician license for violations of Health and Safety Code section 44032, (qualified
7 technicians shall perform tests of emission control systems and devices in accordance with
8 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
9 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
10 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
11 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with missing air
12 injection components. Respondent was required to attend an 8-hour training course. Respondent
13 complied with this citation on January 31, 2009.

14 e. On May 15, 2009, the Bureau issued Citation No. M09-1316 to Respondent against
15 his technician license for violations of Health and Safety Code section 44032, (qualified
16 technicians shall perform tests of emission control systems and devices in accordance with
17 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
18 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
19 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
20 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with missing PCV
21 components. Respondent was required to attend a 16-hour training course. Respondent complied
22 with this citation on August 5, 2009.

23 f. On October 14, 2009, the Bureau issued Citation No. M2010-0358 to Respondent
24 against his technician license for violations of Health and Safety Code section 44032, (qualified
25 technicians shall perform tests of emission control systems and devices in accordance with
26 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
27 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
28 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section

1 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing
2 evaporative emission control system canister. Respondent was required to attend a 68-hour
3 training course. Respondent complied with this citation on November 30, 2009.

4 OTHER MATTERS

5 26. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
6 or permanently or refuse to validate, the registrations for all places of business operated in this
7 state by to Shahin Nazarian doing business as Millbrae Test Only Smog Center, upon a finding
8 that he has, or is, engaged in a course of repeated and willful violations of the laws and
9 regulations pertaining to an automotive repair dealer.

10 27. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
11 License Number TC 255465, issued to Shahin Nazarian doing business as Millbrae Test Only
12 Smog Center, is revoked or suspended, any additional license issued under this chapter in the
13 name of said licensee may be likewise revoked or suspended by the director.

14 28. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
15 Technician License Number EA 152011, issued to Shahin Nazarian is revoked or suspended, any
16 additional license issued under this chapter in the name of said licensee may be likewise revoked
17 or suspended by the director.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Director of Consumer Affairs issue a decision:

21 1. Revoking, suspending or placing on probation Automotive Repair Dealer Registration
22 Number ARD 255465, issued to Shahin Nazarian doing business as Millbrae Test Only Smog
23 Center;

24 2. Revoking, suspending or placing on probation any other automotive repair dealer
25 registration issued to Shahin Nazarian;

26 3. Revoking or suspending Smog Check Test Only Station License Number TC 255465,
27 issued to Shahin Nazarian doing business as Millbrae Test Only Smog Center;

1 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
2 & Safety Code in the name of Shahin Nazarian;


3 5. Revoking or suspending Advanced Emission Specialist Technician License Number
4 EA 152011, issued to Shahin Nazarian;

5 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
6 & Safety Code in the name of Shahin Nazarian;

7 7. Ordering Shahin Nazarian to pay the Bureau of Automotive Repair the reasonable
8 costs of the investigation and enforcement of this case, pursuant to Business and Professions
9 Code section 125.3; and,

10 8. Taking such other and further action as deemed necessary and proper.

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12
13 DATED: 1/25/11


SHERRY MEHL
Chief

Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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